

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ONEBEACON AMERICA INSURANCE CO.,	:	
	:	
Petitioner,	:	
	:	No. 12 Civ. 05043 (CS)(LMS)
v.	:	
SWISS REINSURANCE AMERICA CORP.,	:	
	:	
Respondent.	:	
-----X	:	

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of Swiss Reinsurance America Corporation's Motion to Dismiss or Transfer the Petition or in the Alternative to Enjoin Duplicative Arbitration Pursuant to Section 4 of the Federal Arbitration Act, the Declaration of Mary Kay Vyskocil, Esq., dated August 24, 2012 and the exhibits attached thereto, Swiss Reinsurance America Corporation ("Swiss Re"), by and through its undersigned attorney, hereby move this Court, before the Honorable Cathy Seibel, at the Hon. Charles L. Brient Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, NY 10601-4150, on a date and at a time to be designated by the Court, for an Order: (1) dismissing the Petition pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure or transferring the Petition pursuant to 28 U.S.C. § 1404; (2) in the alternative, enjoining arbitration on OneBeacon America Insurance Company's reinsurance demand against Swiss Re; and (3) granting such other further relief at the Court may deem just and proper.

Dated: New York, New York
August 24, 2012

Respectfully submitted,

SIMPSON THACHER & BARTLETT LLP

By: Mary Kay Vyskocil

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